



February 11, 2020

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**ENGROSSED**  
**SENATE BILL No. 80**

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DIGEST OF SB 80 (Updated February 10, 2020 11:29 am - DI 123)

**Citations Affected:** IC 16-41; IC 20-19; IC 20-33; IC 20-35; IC 22-15; IC 35-52; IC 36-1.

**Synopsis:** Indiana Code publication bill. Addresses nonsubstantive problems not suitable for inclusion in the annual Technical Corrections bill, including resolution of the conflicts between versions of sections that were both amended and repealed during the 2019 legislative session. (The introduced version of this bill was prepared by the code revision commission.) Removes an obsolete provision.

**Effective:** July 1, 2020.

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**Young M, Freeman, Breaux,**  
**Taylor G, Randolph Lonnie M**  
(HOUSE SPONSOR — YOUNG J)

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January 6, 2020, read first time and referred to Committee on Judiciary.  
January 9, 2020, reported favorably — Do Pass.  
January 13, 2020, read second time, ordered engrossed. Engrossed.  
January 14, 2020, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 4, 2020, read first time and referred to Committee on Judiciary.  
February 10, 2020, amended, reported — Do Pass.

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ES 80—LS 6177/DI 112





February 11, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 80

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A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-41-12-15, AS AMENDED BY P.L.168-2014,  
2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 15. (a) A blood center shall require a blood donor  
4 to provide to the blood center the following information:  
5 (1) Name.  
6 (2) Address.  
7 (3) Date of birth.  
8 (4) The blood donor's Social Security number, if the blood donor  
9 is receiving monetary compensation for the donation.  
10 (b) A blood center shall report the name and address of a blood  
11 donor to the state department when a confirmatory test of the blood  
12 donor's blood confirms the presence of antibodies to the human  
13 immunodeficiency virus (HIV).  
14 (c) A blood center shall provide to a blood donor information to  
15 enable the blood donor to give informed consent to the procedures  
16 required by this chapter or IC 16-36. The information required by this  
17 subsection must be in the following form:

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## NOTICE

(1) This blood center performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This blood center reports to the state department of health the name and address of a blood donor when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who recklessly, knowingly, or intentionally donates (excluding self-donations for stem cell transplantation, other autologous donations, or donations not intended by the blood center for distribution or use), sells, or transfers blood that contains antibodies for the human immunodeficiency virus (HIV) commits ~~transferring contaminated blood, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~ **a criminal offense as described in IC 35-45-21-1.**

SECTION 2. IC 16-41-14-13, AS AMENDED BY P.L.158-2013, SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. A practitioner shall provide information to a semen donor to enable the semen donor to give informed consent to the procedures required by this chapter. The information required by this section must be in the following form:

## NOTICE

(1) This facility performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This facility reports to the state department of health the name and address of a semen donor or recipient when a confirmatory test of the semen donor's blood or the recipient's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(3) A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains antibodies for the human immunodeficiency virus (HIV) commits ~~transferring contaminated semen, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~ **a criminal offense as described in IC 35-45-21-1.**

SECTION 3. IC 20-19-3-7 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 7. (a) The department may not accept or distribute to school corporations grants from the federal government under Title III of P.L.103-227 (repealed), if the state superintendent determines that acceptance or distribution of grant money does at least one (1) of the



- 1 following:
- 2 (1) Authorizes an officer or employee of the federal government
- 3 to mandate, direct, or control at least one (1) of the following:
- 4 (A) The department.
- 5 (B) A school corporation.
- 6 (C) A school curriculum or program of instruction.
- 7 (D) Allocation of a state or local government resource.
- 8 (2) Requires the department, a school corporation, or a school to
- 9 spend money or incur an expense not paid under Title III of
- 10 P.L.103-227 (repealed).
- 11 (3) Requires a school corporation, as a condition of participation;
- 12 to increase the access of students to at least one (1) of the
- 13 following:
- 14 (A) Social services.
- 15 (B) Health care.
- 16 (C) Nutrition.
- 17 (D) Services related to the services listed in clauses (A)
- 18 through (C).
- 19 (E) Child care services.
- 20 (4) Requires a school corporation, as a condition of participation;
- 21 to implement an outcome based education program.
- 22 (5) Requires a school corporation, as a condition of participation;
- 23 to adopt:
- 24 (A) a national curriculum; or
- 25 (B) national assessment standards.
- 26 (6) Requires federal government certification of:
- 27 (A) a state curriculum; or
- 28 (B) state assessment standards.
- 29 (b) The governing body of a school corporation that receives a grant
- 30 under this section may withdraw from participation in the grant
- 31 program at the following times:
- 32 (1) At the end of a school year.
- 33 (2) At any time during a school year, if money received for
- 34 participation in the grant program is returned to the department.
- 35 The amount that a school corporation must return to the
- 36 department is the amount received for expenditure during the time
- 37 after the school corporation has ceased to participate in the
- 38 program.
- 39 SECTION 4. IC 20-33-8-31, AS AMENDED BY P.L.94-2019,
- 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2020]: Sec. 31. (a) If a student is suspended from school or
- 42 from any educational function under this chapter, the student's absence



1 from school because of the suspension is not a violation of:

2 (1) IC 20-33-2; or

3 (2) any other statute relating to compulsory school attendance.

4 (b) If a student is expelled from school or from any educational  
5 function under this chapter, the student's absence from school because  
6 of the expulsion is a violation of IC 20-33-2 or any other statute  
7 relating to compulsory school attendance if the student may enroll in:

8 (1) an alternative education program in the county or in a county  
9 immediately adjacent to the county containing the school  
10 corporation from which the student was expelled; or

11 (2) a virtual charter school; ~~if the student does not enroll in a~~  
12 ~~program or school described in subdivision (1) or (2);~~

13 during the student's expulsion. In the event an alternative education  
14 program or virtual charter school is not available for a student to attend  
15 under this subsection, the student's expulsion is not a violation of  
16 IC 20-33-2 or any other statute relating to compulsory school  
17 attendance.

18 SECTION 5. IC 20-35-12-1, AS ADDED BY P.L.260-2019,  
19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2020]: Sec. 1. This chapter applies to children who are:

21 (1) less than ~~ten (10)~~ **eleven (11)** years of age; and

22 (2) deaf or hard of hearing.

23 SECTION 6. IC 22-15-6-4, AS AMENDED BY P.L.249-2019,  
24 SECTION 35, IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 4: (a)  
25 As used in this chapter, "inspection agency" means:

26 (1) an insurance company inspection agency; or

27 (2) ~~an owner or user inspection agency licensed under section 6~~  
28 ~~of this chapter.~~

29 (b) A boiler and pressure vessel inspector licensed under section 5  
30 of this chapter and employed by an inspection agency may perform any  
31 of the following:

32 (1) An inspection required by section 2 of this chapter.

33 (2) The issuance of a permit under section 2 of this chapter.

34 (3) The issuance of an appropriate order under IC 22-12-7 when  
35 an equipment law has been violated.

36 (c) The authority of an inspector acting under this chapter is limited  
37 to enforcement related to regulated boilers or pressure vessels insured;  
38 owned; or operated by the inspection agency employing the inspector.

39 (d) Unless an annual report is substituted under subsection (c), an  
40 inspection agency shall, within thirty (30) days after the completion of  
41 an inspection, submit to the office the report required by the  
42 commission. In addition to any other information required by the



1 commission; the inspector conducting the inspection shall cite on the  
 2 report any violation of the equipment law applicable to the regulated  
 3 boiler or pressure vessel.

4 (e) In the case of boilers or pressure vessels inspected by an owner  
 5 or user inspection agency; an annual report filed on or before the  
 6 annual date as the commission may prescribe for each report may be  
 7 substituted. An annual report of an owner or user inspection agency  
 8 must list, by number and abbreviated description necessary for  
 9 identification; each boiler and pressure vessel inspected during the  
 10 covered period; the date of the last inspection of each unit; and for each  
 11 pressure vessel the approximate date for its next inspection under the  
 12 rules of the commission. Each annual report of an owner or user  
 13 inspection must also contain the certificate of a professional engineer  
 14 registered under IC 25-31 and having supervision over the inspections  
 15 reported; swearing or affirming under penalty of perjury that each  
 16 inspection was conducted in conformity with the equipment laws.

17 (f) An owner or user inspection agency shall pay the fee set under  
 18 IC 22-12-6 with a report under subsection (e).

19 (g) In addition to the reports required by subsections (d) and (e); an  
 20 owner; a user; or an inspection agency shall immediately notify the  
 21 division when an incident occurs to render a boiler or pressure vessel  
 22 inoperative.

23 (h) An inspection agency; an owner; or a user that violates this  
 24 section is subject to a disciplinary action under IC 22-12-7.

25 SECTION 7. IC 22-15-6-6, AS AMENDED BY P.L.249-2019,  
 26 SECTION 37, IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 6: (a)  
 27 The division shall issue a license to act as an owner or user boiler and  
 28 pressure vessel inspection agency to an applicant who qualifies under  
 29 this section.

30 (b) A license issued under this section expires if the bond required  
 31 by subsection (c)(3) becomes invalid.

32 (c) To qualify for a license under this section an applicant must:

33 (1) submit the name and address of the applicant;

34 (2) submit proof that inspections will be supervised by one (1) or  
 35 more professional engineers licensed under IC 25-31 and  
 36 regularly employed by the applicant;

37 (3) provide a surety bond issued by a surety qualified to do  
 38 business in Indiana for one hundred thousand dollars (\$100,000);  
 39 made payable to the division and conditioned upon compliance  
 40 with the equipment laws applicable to inspections and the true  
 41 accounting for all funds due to the division; and

42 (4) pay the fee set under IC 22-12-6-6(a)(9).



1 (d) An owner or user boiler and pressure vessel inspection agency  
 2 licensee under this section shall maintain with the division the most  
 3 current name and address of the licensee and the name of the  
 4 professional engineer supervising the licensee's inspections and notify  
 5 the division of any changes within thirty (30) days after the change  
 6 occurs. An inspection agency that violates this subsection is subject to  
 7 a disciplinary action under IC 22-12-7.

8 (e) The commission may establish standards for the operation of  
 9 inspection agencies.

10 (f) An inspection agency that violates this section is subject to a  
 11 disciplinary action under IC 22-12-7.

12 SECTION 8. IC 35-52-16-51 IS REPEALED [EFFECTIVE JULY  
 13 1, 2020]. Sec. 51. IC 16-41-12-15 defines a crime concerning  
 14 communicable diseases.

15 SECTION 9. IC 35-52-16-55 IS REPEALED [EFFECTIVE JULY  
 16 1, 2020]. Sec. 55. IC 16-41-14-13 defines a crime concerning  
 17 communicable diseases.

18 SECTION 10. IC 36-1-8.5-3, AS AMENDED BY P.L.191-2015,  
 19 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2020]: Sec. 3. As used in this chapter, "judge" means an  
 21 individual who holds or formerly held office as:

- 22 (1) a judge of the supreme court, court of appeals, tax court,  
 23 circuit court, superior court, municipal court, county court, federal  
 24 court, **probate court**, or small claims court; or  
 25 (2) a magistrate, commissioner, or juvenile referee of a court.





## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 80, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 80 as introduced.)

KOCH, Chairperson

Committee Vote: Yeas 10, Nays 0

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 80, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 3. IC 20-19-3-7 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 7. (a) The department may not accept or distribute to school corporations grants from the federal government under Title III of P.L.103-227 (repealed); if the state superintendent determines that acceptance or distribution of grant money does at least one (1) of the following:

(1) Authorizes an officer or employee of the federal government to mandate, direct, or control at least one (1) of the following:

(A) The department.

(B) A school corporation.

(C) A school curriculum or program of instruction.

(D) Allocation of a state or local government resource.

(2) Requires the department, a school corporation, or a school to spend money or incur an expense not paid under Title III of P.L.103-227 (repealed).

(3) Requires a school corporation, as a condition of participation, to increase the access of students to at least one (1) of the following:

(A) Social services.

(B) Health care.

(C) Nutrition.

(D) Services related to the services listed in clauses (A)

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through (C):

(E) Child care services.

(4) Requires a school corporation, as a condition of participation, to implement an outcome based education program.

(5) Requires a school corporation, as a condition of participation, to adopt:

(A) a national curriculum; or

(B) national assessment standards.

(6) Requires federal government certification of:

(A) a state curriculum; or

(B) state assessment standards.

(b) The governing body of a school corporation that receives a grant under this section may withdraw from participation in the grant program at the following times:

(1) At the end of a school year.

(2) At any time during a school year, if money received for participation in the grant program is returned to the department. The amount that a school corporation must return to the department is the amount received for expenditure during the time after the school corporation has ceased to participate in the program."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 80 as printed January 10, 2020.)

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Committee Vote: yeas 11, nays 0.

